

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

SHERRY SCHANY, Mother and Next
Friend of JACOB HAMILTON, A
Minor,,

Plaintiff,

vs.

BRUNSWICK CORPORATION;
PACIFIC CYCLE, INC.; and, WAL-
MART STORES, INC.,

Defendants.

No. C04-3083-MWB

**ORDER REGARDING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

This matter comes before the court pursuant to defendants' Motion For Summary Judgment (#35). Plaintiff has not filed a timely resistance to defendants' motion. On May 30, 2006, the court filed its "Order For Response To Defendants' Motion For Summary Judgment" in which the court instructed:

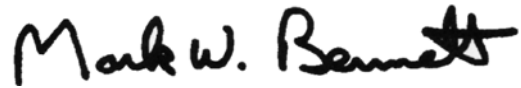
Plaintiff has not filed a timely resistance to defendants' motion. The court could therefore grant defendants' motion pursuant to N.D. IOWA LR 7.1(f), which provides that "[i]f no timely resistance to a motion is filed, the motion may be granted without prior notice from the court." However, the court will not dispose of the motion in this manner. In the interests of justice, plaintiff will be granted until **Friday, June 9, 2006** in which to file a resistance or response to defendants' Motion For Summary Judgment. If no resistance or response is filed within that time, the court may grant defendants' Motion For Summary Judgment pursuant to N.D. IOWA LR 7.1(f) and Federal Rule of Civil Procedure 41.

Order at 1.

To date, plaintiff has not filed a resistance to defendants' Motion For Summary Judgement, nor has plaintiff requested an extension of time in order to respond to defendants' motion. Therefore, defendants' Motion For Summary Judgment is **granted** pursuant to N.D. IOWA LR 7.1(f) and Federal Rule of Civil Procedure 41. Accordingly, this case is dismissed.

IT IS SO ORDERED.

DATED this 30th day of June, 2006.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, flowing style with a prominent "M" and "B".

MARK W. BENNETT
CHIEF JUDGE, U. S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA